

**IN THE UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

**In re: Stuart Curtis Bolton  
Michelle Brooks Bolton  
Debtors**

**Case No. 12-33895-KRH  
Chapter 13**

**ORDER GRANTING MOTION FOR AUTHORITY TO SELL REAL PROPERTY**

This matter comes before the Court on the Debtors' motion for entry of an Order approving the sale of certain real property more specifically described below. In consideration thereof, the Court makes these Findings:

1. Debtors have complied with Local Bankruptcy Rule 6004-1 and the notice provisions required by Local Bankruptcy Rule 6004-2.

2. No parties in interest have filed any timely objection to Debtors' motion.

Mr. Bolton inherited a 1/3 interest in his deceased brother's real estate located at 13148 King William Road in King William, Virginia (hereinafter the "Real Property").

3. On October 1, 2013, the Estate of Steven Wayne Bolton, Debtor's deceased brother, entered a purchase agreement ("Purchase Agreement") with Kristen Bosher to sell the decedent's Real Property for a sales price of \$125,000.00. The legal description is as follows:

ALL that certain lot, piece or parcel of land, with the improvements thereon and appurtenances thereto belonging, lying and being in Acquinton Magisterial District, King William County, Virginia, containing 0.99 acres more or less, as more particularly shown on a Plat of Survey made by Dan E. Williams, III, P.C., dated March 14, 1991, revised April 3, 1991, and further revised September 17, 1991, entitled "PLAT OF A PARCEL OF LAND LOCATED IN ACQUINTON DISTRICT, KING WILLIAM COUNTY, VIRGINIA", a copy of which is attached to and recorded with said Deed in Deed Book 203, page 462, and to which plat reference is hereby made for the metes and bounds description.

Julia B. Adair (VSB #45130)  
Hathaway Adair, P.C.  
3412 Cutshaw Avenue  
Richmond, VA 23230  
Telephone: 804-257-9944  
Counsel for Debtor

4. Upon information and belief, Bank of America has a lien on the Real Property with a payoff of approximately \$8,812.10.

5. The parties have agreed to close as soon as possible following entry of this Court's Order.

6. The closing agent is Insight Title and Settlement Services, LLC, 11213 B. Nuckols Road, Glen Allen, VA 23059.

7. Additional closing costs payable by the sellers including realtor commissions, taxes and recordation fees are estimated to be \$7,980.00.

8. Debtors have incurred additional reasonable and necessary attorney's fees payable to Hathaway Adair, P.C. for services rendered in this matter in an amount not to exceed \$500.00 to be paid through Debtors' net proceeds without further order of this Court. Any requested fees related to this transaction that exceed \$500.00 must be applied for and approved by the Court.

9. After paying the closing costs and attorney's fees, it is estimated that the Debtors will receive approximately \$35,411.00 in net proceeds.

10. It is reasonable and in the interests of justice to waive the 10-day stay of the effect of the instant Order provided for by FRBP 6004(h).

It appearing to the Court to be just and in the best interests of the parties to allow the sale of real property, it is hereby,

ORDERED, that the Debtor's Motion is hereby GRANTED, and it is further

ORDERED, that the Debtor may sell and transfer title to the Real Property to Kristen Bosher for a sale price of \$125,000.00, and it is further

ORDERED that the proceeds from the sale of the Real Property are to be applied as follows:

1. Full payment of closing costs, including but not limited to realtors' commissions

and recordation costs.

2. Payoff of Bank of America's lien in the approximate amount of \$8,812.10.

3. Additional reasonable and necessary attorney's fees payable to Hathaway Adair, P.C. for services rendered in this matter in an amount not to exceed \$500.00 to be paid at closing without further order of this Court. Any requested fees related to this transaction that exceed \$500.00 must be applied for and approved by the Court.

4. Payment to the Chapter 13 Trustee in the amount of approximately \$35,411.00. Such amount is not sufficient to payoff Debtors' case. Debtors intend to modify their Chapter 13 plan and resume payments to the Trustee.

And it is further

ORDERED that the 10-day stay of the effectiveness of the instant Order provided for by FRBP 6004(h) is waived; and it is further

ORDERED that the Clerk shall mail copies of this Order, once entered, to all parties on the attached service list.

Date: Dec 11 2013

/s/ Kevin R. Huennekens

United States Bankruptcy Judge

Entered on Docket: Dec 12 2013

I ask for this:

/s/ Julia B. Adair

Julia B. Adair (VSB #45130)

Hathaway Adair, P.C.

3412 Cutshaw Avenue

Richmond, VA 23230

Phone: (804) 257-9944

Counsel for Debtor

Seen:

/s/ Carl M. Bates  
Carl M. Bates, Esq.  
Chapter 13 Trustee  
P.O. Box 1819  
Richmond, VA 23218

**CERTIFICATION**

I certify that a copy of this Order has been endorsed by all necessary parties.

/s/ Julia B. Adair

**PARTIES TO RECEIVE COPIES**

Julia B. Adair, Esquire  
Hathaway Adair, P.C.  
3412 Cutshaw Avenue  
Richmond, VA 23230

Carl M. Bates, Trustee  
P.O. Box 1819  
Richmond, VA 23218

Office of the U.S. Trustee  
701 E. Broad Street  
Room 4304  
Richmond, VA 23219

Insight Title and Settlement Services, LLC  
11213 B. Nuckols Road  
Glen Allen, VA 23059

Stuart and Michelle Bolton  
2153 Old Church Road  
Mechanicsville, VA 23111